

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v.-

JOHNNY OTERO,

Defendant.
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ORDER OF FORFEITURE

07 Cr. 458 (PKC)

WHEREAS, on or about May 22, 2007, JOHNNY OTERO, the defendant, was charged in the second count of Indictment 07 Cr. 458 (PKC) (the "Indictment"), with theft of government funds, in violation of 18 U.S.C. § 641;

WHEREAS, the Indictment included a forfeiture allegation seeking to forfeit, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real or personal, that constitutes or is derived from proceeds traceable to the offense charged in Count Two, including, but not limited to a sum of money in the amount of at least \$70,000 in United States currency, for which defendants JEWEL RUSSELL-OTERO and JOHNNY OTERO are jointly and severally liable;

WHEREAS, on or about December 19, 2007, the defendant, JOHNNY OTERO pled guilty to Count Two of the Indictment;

WHEREAS, on or about September 9, 2008, JOHNNY OTERO, the defendant, was sentenced and ordered to a forfeiture money judgment in the amount of \$70,000.00 in United States Currency,

representing the amount of proceeds obtained as a result of the offense charged in Count Two of the Indictment; and

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offense charged in the Indictment, for which JOHNNY OTERO, the defendant, pled guilty, a money judgment in the amount of \$70,000.00 shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, this Order of Forfeiture shall be final as to the defendant, JOHNNY OTERO, at the time of sentencing and shall be made part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order of Forfeiture the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

4. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service", and delivered by mail to the United States Attorney's


Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrews Plaza, New York, New York 10007.

5. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

6. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney, Sharon Cohen Levin, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York
September 2, 2008

SO ORDERED:



HONORABLE P. KEVIN CASTEL
UNITED STATES DISTRICT JUDGE